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SUBJECT: GUATEMALA'S CHILD LABOR UPDATE

REF: STATE 143552

1. The information below is keyed to the reftel paragraphs:

A. The Guatemalan Labor Code sets the minimum age for employment at 14 years. In exceptional cases, the Labor Inspectorate can provide work permits to children under the age of 14, although the practice has diminished significantly. The Inspectorate issued 20 permits in 2004, primarily for apprenticeships. The workday for these children is capped at six hours per day, and they are prohibited from working at night, overtime, and in dangerous occupations. The age limit is consistent with completing mandatory educational requirements. Guatemala's laws on child labor are consistent with the International Labor Organization (ILO) standards. The Government of Guatemala (GOG) ratified Convention 182 and has developed a list of occupations considered to be the worst forms of child labor.

B. The GOG designated the Child Workers Protection Unit of the Ministry of Labor (MOL) to implement and enforce child labor laws. The judiciary can impose criminal penalties, civil fines, or court orders based on recommendations from the MOL. Laws governing the employment of minors were not enforced effectively due to the weakness of the labor inspection and labor court systems. More than 70 percent of Guatemala's economy, however, is in the informal sector, where the MOL has little influence. The ILO estimated that 23 percent of children under the age of 18 worked in 2004; virtually all in the informal sector. The MOL is engaged in on-going training programs regarding child labor and other forms of labor exploitation.

C. The Defense of Children's Rights Unit in the Human Rights Ombudsman's Office and the Social Welfare Secretariat of the President's Office are charged with the responsibility to prevent and withdraw children from exploitative situations. The GOG has, through cooperation with the ILO's International Program on the Elimination of Child Labor (IPEC), enacted programs to combat child labor in the fireworks industry, in the production of gravel, in the growing of coffee and broccoli, in domestic service, in trash picking, and in the commercial sex industry. One of the programs offers scholarships and free meals during the year to encourage families to send children to school instead of work. The Constitution provides for compulsory education for all children up to the sixth grade; this is widely ignored.

D. The GOG established a National Commission for the Elimination of Child Labor in 2002 which supervises a comprehensive operational plan. Much further effort will be required for the GOG to achieve its goals. The GOG has publicly committed to eradicate the worst forms of child labor.

E. Guatemala has made slow but continual progress toward eliminating the worst forms of child labor. While child labor is still common (note the 23 percent figure above), the underlying causes are linked to the country's endemic poverty. As economic and social development has been slow to reach underdeveloped areas, child labor indicators hold steady.

WHARTON